

SANTUCCI, PRIORE & LONG, LLP

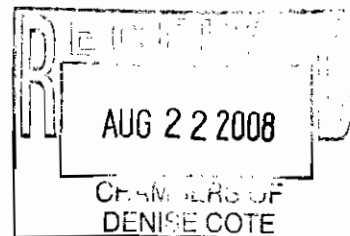
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August 22, 2008

VIA FACSIMILE

MEMO ENDORSED



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The Honorable Denise Cote
United States Courthouse
500 Pearl Street
Room 1040
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/25/08

RE: S B Ice, Inc. v. MGN, LLC, et al
Case No. 08-CIV-3164 (DLC)

<http://www.500law.com>

Dear Judge Cote:

ATTORNEYS:
Michael I. Santucci
S. Tracy Long
Joseph V. Priore
Allen F. Bennett *

OF COUNSEL:
Francis X. Castoro, P.A.
Aaron M. Cohen, P.A. **

Pursuant to Your Honor's Pretrial Scheduling Order, the deadline for Plaintiff to file its Opposition to Defendants' Motion to Dismiss falls today. However, due to unexpected circumstances, Plaintiff will not be able to meet this deadline, for reasons as follows:

1. Plaintiff's counsel is located in South Florida. Monday, August 18, 2008, and Tuesday, August 19, 2008, South Florida was anticipating the impact of Tropical Storm Fay. All courts, as well as Plaintiff's counsel's office, were closed; and
2. Tuesday night, Plaintiff's counsel had a personal emergency, when his wife was hospitalized and to date has not yet been released. He has been out of the office at the hospital since Tuesday night. The entire time, he was not anticipating her hospital stay to be prolonged from day to day. He anticipated her release on Wednesday or Thursday, which would make him able to meet Your Honor's deadline. He is the only partner of this firm admitted *pro hac vice* in this matter.

While at a hospital, Plaintiff's counsel sent an email on Wednesday morning asking a staff member to attempt to ask another attorney at this firm to contact opposing counsel and request this extension earlier. However, the email was never received by the staff member.

* Registered Patent Attorney

** Admitted in Arkansas and
the U.S. Patent and
Trademark Office Only

* Also admitted in NJ
* Also admitted in NY
* Also admitted in DC

Accordingly, it is respectfully requested that Your Honor extend Plaintiff's deadline to file its Opposition to Defendants' Motion to Dismiss. Plaintiff's counsel is requesting a three-day extension, in order to be able to return to his office and prepare same. Furthermore, Plaintiff does not object to an extension for Defendant's Reply caused due to the relief sought herein.

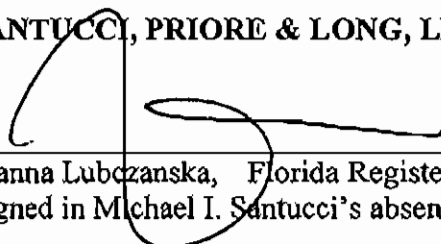
Plaintiff has contacted the Defendants to seek his consent to the relief sought herein, but has been unable to reach Defendants' counsel.

We thank you for your kind consideration of this request.

Sincerely,

SANTUCCI, PRIORE & LONG, LLP

By:


Joanna Lubczanska, Florida Registered Paralegal
Signed in Michael I. Santucci's absence to avoid delay

MIS/jl

cc: Glenn A. Wolther (via facsimile without enclosures)

*Granted, more
per time.
Glenn A. Wolther
August 25, 2008*